

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

NINTH DAY'S PROCEEDINGS

**Thirty-First Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Monday, May 9, 2005

The Senate was called to order at 4:00 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Uilo
Total - 36		

ABSENT

Hollis
Total - 1

The President of the Senate announced there were 36 Senators present and a quorum.

Prayer

The prayer was offered by Father Gerald Burns, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of allowing the Committee on Revenue and Fiscal Affairs to continue to meet while the Senate is in session.

Messages from the President

The following messages from the President were received and read as follows:

SENATE
State of Louisiana

May 5, 2005

Honorable Lydia Jackson
State Senator
610 Texas Street, Suite 201
Shreveport, LA 71101

Dear Senator Jackson:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the **Senate Committee on Education**.

Sincerely,
DONALD E. HINES
President

SENATE
State of Louisiana

May 5, 2005

Honorable Walter J. Boasso
State Senator
100 Intermodal Drive
Chalmette, LA 70043

Dear Senator Boasso:

In accordance with Senate Rule 13.1, I hereby appoint you to serve as a member of the **Senate Committee on Commerce** during the absence of Senator Hollis.

Sincerely,
DONALD E. HINES
President

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

May 5, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 38—

BY SENATOR JACKSON

A CONCURRENT RESOLUTION

To commend the CASA programs in Louisiana, and proclaims May 3, 2005 as "Louisiana CASA Day" at the state capitol.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Introduction of
Senate Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To commend Harold Fontenette for being one of the first African-American students to pursue higher educational studies, in 1958, at the Louisiana State University in New Orleans (LSUNO).

The resolution was read by title. Senator Bajoie moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Amedee	Fields	Romero
Bajoie	Fontenot	Schedler
Boasso	Gautreaux B	Smith
Broome	Heitmeier	Theunissen
Cheek	Jackson	Ullo
Dardenne	Jones	

Total - 20

NAYS

Total - 0

ABSENT

Adley	Dupre	Marionneaux
Barham	Gautreaux N	Michot
Cain	Hollis	Mount
Chaisson	Kostelka	Murray
Cravins	Lentini	Nevers
Duplessis	Malone	

Total - 17

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To direct the secretary of the Department of Health and Hospitals to develop a plan for the consolidation of programs and services for elderly persons and persons with adult onset disabilities into a separate office within the Department of Health and Hospitals.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 42—

BY SENATOR BAJOIE

A CONCURRENT RESOLUTION

To authorize and direct the secretary of the Department of Health and Hospitals to develop a plan for the consolidation of programs and services for elderly persons and persons with adult onset disabilities into a separate office within the Department of Health and Hospitals.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATOR SMITH

A CONCURRENT RESOLUTION

To commend and congratulate the students and faculty at Northwestern State University on their recent success at the 10th Annual Association of Information Technology Professionals (AITP) National Collegiate Conference.

The resolution was read by title. Senator Smith moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Amedee	Fields	Romero
Bajoie	Fontenot	Schedler
Boasso	Gautreaux B	Smith
Broome	Heitmeier	Theunissen
Cheek	Jackson	Ullo
Dardenne	Jones	

Total - 20

NAYS

Total - 0

ABSENT

Adley	Dupre	Marionneaux
Barham	Gautreaux N	Michot
Cain	Hollis	Mount
Chaisson	Kostelka	Murray
Cravins	Lentini	Nevers
Duplessis	Malone	

Total - 17

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 44—

BY SENATOR AMEDEE

A CONCURRENT RESOLUTION

To urge and request the office of state parks, Department of Culture, Recreation, and Tourism, in coordination with the Department of Wildlife and Fisheries, to conduct a feasibility study to determine if the area in or around the Maurepas Swamp Wildlife Management Area (WMA) is suitable for a state park.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 45—

BY SENATOR DARDENNE

A CONCURRENT RESOLUTION

To commend and congratulate Dr. Eugene R. Wittkopf upon the occasion of his retirement from Louisiana State University as R. Downs Poindexter Distinguished Professor of Political Science; to recognize and record his accomplishments and contributions to the university; and to extend to him best wishes of the Legislature of Louisiana on his future endeavors.

The resolution was read by title. Senator Dardenne moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	McPherson
Amedee	Fields	Romero
Bajoie	Fontenot	Schedler
Boasso	Gautreaux B	Smith
Broome	Heitmeier	Theunissen
Cheek	Jackson	Ullo
Dardenne	Jones	

Total - 20

NAYS

Total - 0

ABSENT

Adley	Dupre	Marionneaux
Barham	Gautreaux N	Michot
Cain	Hollis	Mount
Chaisson	Kostelka	Murray
Cravins	Lentini	Nevers
Duplessis	Malone	
Total - 17		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 46—
BY SENATOR ELLINGTON AND REPRESENTATIVE THOMPSON
A CONCURRENT RESOLUTION

To urge and request the Louisiana Broadband Advisory Council to convene a task force to develop a statewide E-Rate strategy to capture all possible E-Rate funds available to the state.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

SENATE CONCURRENT RESOLUTION NO. 47—
BY SENATOR HINES AND REPRESENTATIVE SALTER
A CONCURRENT RESOLUTION

To commend and congratulate the Rotary International on its 100th anniversary.

The resolution was read by title. Senator Hines moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dardenne	Jones
Amedee	Ellington	McPherson
Bajoie	Fields	Romero
Barham	Fontenot	Smith
Boasso	Gautreaux B	Theunissen
Broome	Heitmeier	Ullo
Cheek	Jackson	
Total - 20		

NAYS

Total - 0

ABSENT

Adley	Gautreaux N	Michot
Cain	Hollis	Mount
Chaisson	Kostelka	Murray
Cravins	Lentini	Nevers
Duplessis	Malone	Schedler
Dupre	Marionneaux	
Total - 17		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 48—
BY SENATOR JONES
A CONCURRENT RESOLUTION

To urge and request that the Department of Health and Hospitals study the process of assigning persons with developmental disabilities in Region 8.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

May 5, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 118—
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 37:3298(B), relative to private security; to provide an exception to the private security law for peace officers; and to provide for related matters.

HOUSE BILL NO. 209—
BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 37:1432(A) and to enact R.S. 37:1455(A)(35), relative to the Louisiana Real Estate Commission; to provide for commission members; to add misleading advertising as a cause for censure, suspension, or revocation of license; and to provide for related matters.

HOUSE BILL NO. 256—
BY REPRESENTATIVE DOVE
AN ACT

To amend and reenact R.S. 38:301(C)(1)(b) and to enact R.S. 38:301(C)(2)(g) and (3), relative to the Terrebonne Levee and Conservation District; to provide relative to the appropriation of property by the district; to provide relative to notification of property owners; to provide relative to challenges to an appropriation or compensation paid for appropriated property; and to provide for related matters.

HOUSE BILL NO. 271—
BY REPRESENTATIVE BAYLOR
AN ACT

To amend and reenact R.S. 47:332.6(B), relative to the dedication of certain sales tax revenues in the city of Shreveport; to change the dedication and allowable uses of monies in the Shreveport Riverfront and Convention Center and Independence Stadium Fund; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 278—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 9:2795.4(A)(3), (4)(a), and (6), relative to the limitation of liability for motorized off-road activities; to revise the definitions of "motorized off-road vehicles", "motorized off-road vehicle activity", and "motorized off-road vehicle facility"; and to provide for related matters.

HOUSE BILL NO. 279—
BY REPRESENTATIVE BAYLOR
AN ACT

To repeal R.S. 32:143.2(C), relative to unauthorized use of private driveways, highways, and public rights-of-way; to repeal the termination date of provisions relative to blocking private driveways, highways, and public rights-of-way.

HOUSE BILL NO. 332—
BY REPRESENTATIVES PINAC, BRUCE, CROWE, DOERGE, FRITH, GEYMAN, JACKSON, KLECKLEY, LAFONTA, T. POWELL, RITCHIE, GARY SMITH, STRAIN, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WINSTON
AN ACT

To amend and reenact R.S. 51:1286(C)(1)(b) and (c), relative to tourism; to provide for restrictions on in-state advertising by the office of tourism; and to provide for related matters.

HOUSE BILL NO. 297—

BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, KLECKLEY, MORRISH, AND JOHN SMITH AND SENATORS MOUNT AND THEUNISSEN

AN ACT

To amend and reenact R.S. 47:302.14, relative to the dedication of certain sales tax revenues in Calcasieu Parish; to provide for the dedication of proceeds derived from state sales tax on hotel occupancy in Calcasieu Parish; to provide for the issuance of bonds secured by such proceeds; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 339—

BY REPRESENTATIVE PITRE

AN ACT

To authorize the Grand Isle Port Commission to use certain state property for seafood research; and to provide for related matters.

HOUSE BILL NO. 357—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.287, relative to creating and providing for the Lake Bistineau Conservation District; to provide for the purpose, boundaries, corporate powers, and governance of the district; to provide for powers and duties of the board of commissioners; and to provide for related matters.

HOUSE BILL NO. 390—

BY REPRESENTATIVES STRAIN AND DANIEL

AN ACT

To amend and reenact R.S. 38:421(B) through (F) and (I) through (K) and to enact R.S. 38:421(O), relative to the assessments and forced contribution of levee and drainage districts; to exempt certain produce and other commodities from the local assessment or forced contribution; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 403—

BY REPRESENTATIVES WADDELL AND PINAC

AN ACT

To enact R.S. 37:1448.1, relative to real estate brokers and licensees; to provide for requirements for a non-compete agreement; to provide for enforcement; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 425—

BY REPRESENTATIVE TRAHAN

AN ACT

To amend and reenact R.S. 28:63(A) and (C) and to enact R.S. 28:53(N), 53.2(G), and 54(E) and 63(O), relative to civil commitments; to provide for limitations of liability for public and private general hospitals and their personnel; and to provide for related matters.

HOUSE BILL NO. 446—

BY REPRESENTATIVE TRAHAN

AN ACT

To enact R.S. 6:1094(B) and to repeal R.S. 6:1087(B)(10), relative to residential mortgage lending; to provide for licensure; to provide examination requirements; to establish licensure exemptions; to repeal the requirement of commissioner approval for persons engaging in no more than four residential mortgage lending transactions in a calendar year; to eliminate the licensure exemption for persons engaging in no more than four residential mortgage lending transactions in a calendar year; and to provide for related matters.

HOUSE BILL NO. 462—

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, BRUCE, CROWE, DOERGE, FRITH, GEYMAN, KLECKLEY, LAFONTA, PINAC, RITCHIE, GARY SMITH, WALSWORTH, WHITE, AND WINSTON AND SENATORS HINES, BAJOE, HEITMEIER, AND MOUNT

AN ACT

To amend and reenact R.S. 51:3053(5)(a) and to enact R.S. 51:3054(B)(4), relative to the Louisiana Major Project Development Authority; to provide for certain project

thresholds; to authorize the creation of an executive committee of the board of directors; and to provide for related matters.

HOUSE BILL NO. 498—

BY REPRESENTATIVES KLECKLEY, GEYMAN, JOHNS, AND MORRISH AND SENATOR THEUNISSEN

AN ACT

To name a portion of Nelson Road Extension in Calcasieu Parish the L'Auberge Boulevard and to provide for related matters.

HOUSE BILL NO. 751—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 4:147(2), relative to residency requirements of the state steward appointed by the Louisiana State Racing Commission; to require the steward to be residing in the state upon appointment; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 9, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 28 (Duplicate of Senate Bill No. 8 by
Senator Theunissen)—**

BY REPRESENTATIVE MORRISH AND SENATOR THEUNISSEN AND COAUTHORED BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, AND KLECKLEY

AN ACT

To amend and reenact R.S. 34:204.1(B) and (D)(12), relative to the Lake Charles Harbor and Terminal District; to provide relative to the qualifications and authority of the port director; and to provide for related matters.

HOUSE BILL NO. 81—

BY REPRESENTATIVE TUCKER

AN ACT

To enact R.S. 28:53.2(B)(5), relative to an order for custody; to provide for the contents of the order; and to provide for related matters.

HOUSE BILL NO. 313—

BY REPRESENTATIVE HAMMETT

AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.297, relative to Lake St. John in Concordia Parish; to create the Lake St. John Recreation and Water Conservation District as a political subdivision of the state; to create and to provide for a board of commissioners to manage the district; to provide for powers and duties of the district and the board; to authorize the board to levy taxes and parcels fees, issue bonds, and incur debt; to authorize the board to promulgate rules and regulations to accomplish the purposes of the district; to provide for penalties; to provide relative to the duties and powers of the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; to provide with respect to mineral leases; to provide for creation and construction of playgrounds and recreational facilities; to provide for the regulation of commercial establishments; and to provide for related matters.

HOUSE BILL NO. 554—

BY REPRESENTATIVE BAYLOR

AN ACT

To enact R.S. 37:575(B)(10), relative to the Board of Cosmetology; to provide for authority to contract with respect to immovable property; to provide for authority to borrow funds; to provide for authority to retain revenue upon sale of property; and to provide for related matters.

HOUSE BILL NO. 596—

BY REPRESENTATIVE FANNIN

AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Jackson Parish Dugdemona Watershed Reservoir Authority; to create the Jackson Parish Dugdemona Watershed Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

HOUSE BILL NO. 789—

BY REPRESENTATIVE DANIEL

AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9581, relative to public contracts; to authorize certain political subdivisions to enter into agreements for the construction, maintenance, and operation of public facilities related to sewerage and nonpotable water treatment systems; to provide with respect to the construction and content of such contractual agreements; to provide for the disposition and allocation of revenues and assets; to provide for the pledge of revenues; to provide certain immunities from liability; to provide for limitation of liability; and to provide for related matters.

HOUSE BILL NO. 618—

BY REPRESENTATIVE FANNIN

AN ACT

To enact 40:1846(H), relative to liquified petroleum gas; to provide for limitations on liability for certain activities related to liquified petroleum gas; to provide for the liability of retailers, suppliers, handlers, transports, and consumers; and to provide for related matters.

HOUSE BILL NO. 29—

BY REPRESENTATIVE LAFLEUR

AN ACT

To enact R.S. 40:962.1.2, 962.1.3, and 962.1.4, relative to the unlawful sales and distribution of ephedrine, pseudoephedrine and pseudoephedrine base, and phenylpropanolamine; to provide for the unlawful sales of certain quantities of products containing ephedrine, pseudoephedrine base, or phenylpropanolamine; to provide for the unlawful sale of nonliquid pseudoephedrine, ephedrine, or phenylpropanolamine; to provide for the unlawful distribution of pseudoephedrine, ephedrine, or phenylpropanolamine; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 67—

BY REPRESENTATIVE WALKER

AN ACT

To amend and reenact R.S. 37:793(A)(1)(d) and (2)(a), (B)(1), (2), and (3), (C), (D)(1), (2) (introductory paragraph) and (c), (E), (F), (G)(1), and (H), to enact R.S. 37:793(B)(4) and (5), and to repeal R.S. 37:793(A)(1)(i), relative to enteral conscious sedation; to provide for changes in definitions; to provide for enteral conscious sedation to be performed on patients of all ages; to clarify the circumstances in which a permit is necessary; to require written reporting; and to provide for related matters.

HOUSE BILL NO. 243—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To authorize and provide for the conveyance of certain state property in Allen Parish and East Baton Rouge Parish to the Department of Transportation and Development; and to provide for related matters.

HOUSE BILL NO. 72—

BY REPRESENTATIVES BRUCE AND MONTGOMERY

AN ACT

To enact R.S. 37:776(D), relative to dentists; to require the board to promulgate rules to expunge first-time advertising offenses from a licensee's record; and to provide for related matters.

HOUSE BILL NO. 5—

BY REPRESENTATIVE BAUDOIN

AN ACT

To amend and reenact R.S. 32:295.3(D), relative to leaving children unattended and unsupervised in motor vehicles; to provide for increased penalties; and to provide for related matters.

HOUSE BILL NO. 33—

BY REPRESENTATIVE MONTGOMERY

AN ACT

To amend and reenact R.S. 40:4(A)(2)(b)(i) and (ii), relative to the treatment of infectious biomedical waste; to require the certification and testing of all equipment used to treat infectious biomedical waste; and to provide for related matters.

HOUSE BILL NO. 100—

BY REPRESENTATIVE FANNIN

AN ACT

To authorize and provide for the transfer of certain state property in Jackson Parish from the Department of Transportation and Development to the town of Chatham; and to provide for related matters.

HOUSE BILL NO. 272—

BY REPRESENTATIVE BALDONE

AN ACT

To enact R.S. 14:62.5(C), relative to looting; to provide with respect to penalties for the crime of looting when committed during a state of emergency; and to provide for related matters.

HOUSE BILL NO. 331—

BY REPRESENTATIVES HILL AND FRITH

AN ACT

To amend and reenact R.S. 56:266(C), relative to the Louisiana Fur and Alligator Advisory Council; to provide relative to council membership; and to provide for related matters.

HOUSE BILL NO. 13—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 14:223.3(1) and (3), relative to penalties for unauthorized sound reproductions; to reduce the threshold number of phonorecords or counterfeit labels involved for imposition of penalties for violations of the crimes of sound reproductions without consent, recording performances without consent, rental or sale of improperly labeled articles, and counterfeiting or possessing counterfeit labels; and to provide for related matters.

HOUSE BILL NO. 55—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 40:969(C), relative to violations of possession of Schedule IV controlled dangerous substances; to provide that a violation requires a person to knowingly and intentionally possess the controlled substance; and to provide for related matters.

HOUSE BILL NO. 9—

BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 14:223.9, relative to crimes against property; to create the crime of unlawful operation of an audiovisual recording device; to provide for penalties; to provide for definitions; to provide for immunity from civil actions under certain circumstances; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 127—

BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 14:67.5, relative to theft; to create the crime of theft of crawfish; to define the offense; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 341—

BY REPRESENTATIVES WINSTON, BURNS, DURAND, GRAY, E. GUILLORY, KATZ, MCDONALD, AND WADDELL
AN ACT

To enact Chapter 9-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1001 through 1002, relative to foster children; to provide vocational testing and counseling for children in foster care; to provide for the duties of the office of community services; and to provide for related matters.

HOUSE BILL NO. 402—

BY REPRESENTATIVE ERDEY
AN ACT

To amend and reenact R.S. 22:1136(B)(1), relative to business entities as insurance producers; to provide for notices; to provide for change of status; to provide for branch locations; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 406—

BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 43:87, relative to distribution of copies of the official journal of the state containing acts of the legislature; to provide for distribution of copies to judges only upon request; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 5—

BY REPRESENTATIVE BAUDOIN
AN ACT

To amend and reenact R.S. 32:295.3(D), relative to leaving children unattended and unsupervised in motor vehicles; to provide for increased penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 9—

BY REPRESENTATIVE DANIEL
AN ACT

To enact R.S. 14:223.9, relative to crimes against property; to create the crime of unlawful operation of an audiovisual recording device; to provide for penalties; to provide for definitions; to provide for immunity from civil actions under certain circumstances; to provide for exceptions; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 13—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact R.S. 14:223.3(1) and (3), relative to penalties for unauthorized sound reproductions; to reduce the threshold number of phonorecords or counterfeit labels involved for imposition of penalties for violations of the crimes of sound reproductions without consent, recording performances without consent, rental or sale of improperly labeled articles, and counterfeiting or possessing counterfeit labels; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 28 (Duplicate of Senate Bill No. 8 by Senator Theunissen)—

BY REPRESENTATIVE MORRISH AND SENATOR THEUNISSEN AND COAUTHORED BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, AND KLECKLEY
AN ACT

To amend and reenact R.S. 34:204.1(B) and (D)(12), relative to the Lake Charles Harbor and Terminal District; to provide relative to the qualifications and authority of the port director; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 29—

BY REPRESENTATIVE LAFLEUR
AN ACT

To enact R.S. 40:962.1.2, 962.1.3, and 962.1.4, relative to the unlawful sales and distribution of ephedrine, pseudoephedrine and pseudoephedrine base, and phenylpropanolamine; to provide for the unlawful sales of certain quantities of products containing ephedrine, pseudoephedrine base, or phenylpropanolamine; to provide for the unlawful sale of nonliquid pseudoephedrine, ephedrine, or phenylpropanolamine; to provide for the unlawful distribution of pseudoephedrine, ephedrine, or phenylpropanolamine; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 33—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 40:4(A)(2)(b)(i) and (ii), relative to the treatment of infectious biomedical waste; to require the certification and testing of all equipment used to treat infectious biomedical waste; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 55—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 40:969(C), relative to violations of possession of Schedule IV controlled dangerous substances; to provide that a violation requires a person to knowingly and intentionally possess the controlled substance; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 67—

BY REPRESENTATIVE WALKER
AN ACT

To amend and reenact R.S. 37:793(A)(1)(d) and (2)(a), (B)(1), (2), and (3), (C), (D)(1), (2) (introductory paragraph) and (c), (E), (F), (G)(1), and (H), to enact R.S. 37:793(B)(4) and (5), and to repeal R.S. 37:793(A)(1)(i), relative to enteral conscious sedation; to provide for changes in definitions; to provide for enteral conscious sedation to be performed on patients of all ages; to clarify the circumstances in which a permit is necessary; to require written reporting; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 72—
BY REPRESENTATIVES BRUCE AND MONTGOMERY
AN ACT

To enact R.S. 37:776(D), relative to dentists; to require the board to promulgate rules to expunge first-time advertising offenses from a licensee's record; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 81—
BY REPRESENTATIVE TUCKER
AN ACT

To enact R.S. 28:53.2(B)(5), relative to an order for custody; to provide for the contents of the order; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 100—
BY REPRESENTATIVE FANNIN
AN ACT

To authorize and provide for the transfer of certain state property in Jackson Parish from the Department of Transportation and Development to the town of Chatham; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 118—
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 37:3298(B), relative to private security; to provide an exception to the private security law for peace officers; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 127—
BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 14:67.5, relative to theft; to create the crime of theft of crawfish; to define the offense; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 209—
BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 37:1432(A) and to enact R.S. 37:1455(A)(35), relative to the Louisiana Real Estate Commission; to provide for commission members; to add misleading advertising as a cause for censure, suspension, or revocation of license; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 243—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To authorize and provide for the conveyance of certain state property in Allen Parish and East Baton Rouge Parish to the Department of Transportation and Development; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 256—
BY REPRESENTATIVE DOVE
AN ACT

To amend and reenact R.S. 38:301(C)(1)(b) and to enact R.S. 38:301(C)(2)(g) and (3), relative to the Terrebonne Levee and Conservation District; to provide relative to the appropriation of property by the district; to provide relative to notification of

property owners; to provide relative to challenges to an appropriation or compensation paid for appropriated property; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 271—
BY REPRESENTATIVE BAYLOR
AN ACT

To amend and reenact R.S. 47:332.6(B), relative to the dedication of certain sales tax revenues in the city of Shreveport; to change the dedication and allowable uses of monies in the Shreveport Riverfront and Convention Center and Independence Stadium Fund; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 272—
BY REPRESENTATIVE BALDONE
AN ACT

To enact R.S. 14:62.5(C), relative to looting; to provide with respect to penalties for the crime of looting when committed during a state of emergency; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 278—
BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 9:2795.4(A)(3), (4)(a), and (6), relative to the limitation of liability for motorized off-road activities; to revise the definitions of "motorized off-road vehicles", "motorized off-road vehicle activity", and "motorized off-road vehicle facility"; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 279—
BY REPRESENTATIVE BAYLOR
AN ACT

To repeal R.S. 32:143.2(C), relative to unauthorized use of private driveways, highways, and public rights-of-way; to repeal the termination date of provisions relative to blocking private driveways, highways, and public rights-of-way.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 297—
BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, KLECKLEY, MORRISH, AND JOHN SMITH AND SENATORS MOUNT AND THEUNISSEN
AN ACT

To amend and reenact R.S. 47:302.14, relative to the dedication of certain sales tax revenues in Calcasieu Parish; to provide for the dedication of proceeds derived from state sales tax on hotel occupancy in Calcasieu Parish; to provide for the issuance of bonds secured by such proceeds; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 313—
BY REPRESENTATIVE HAMMETT
AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.297, relative to Lake St. John in Concordia Parish; to create the Lake St. John Recreation and Water Conservation District as a political subdivision of the state; to create and to provide for a board of commissioners to manage the district; to provide for powers and duties of the district and the board; to authorize the board to levy taxes and parcels fees, issue bonds, and incur debt; to authorize the board to promulgate rules and regulations to accomplish the purposes of the district; to provide for penalties; to provide relative to the duties and powers of the

Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; to provide with respect to mineral leases; to provide for creation and construction of playgrounds and recreational facilities; to provide for the regulation of commercial establishments; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 331—
BY REPRESENTATIVES HILL AND FRITH
AN ACT

To amend and reenact R.S. 56:266(C), relative to the Louisiana Fur and Alligator Advisory Council; to provide relative to council membership; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 332—
BY REPRESENTATIVES PINAC, BRUCE, CROWE, DOERGE, FRITH, GEYMAN, JACKSON, KLECKLEY, LAFONTA, T. POWELL, RITCHIE, GARY SMITH, STRAIN, TRAHAN, WADDELL, WALSWORTH, WHITE, AND WINSTON
AN ACT

To amend and reenact R.S. 51:1286(C)(1)(b) and (c), relative to tourism; to provide for restrictions on in-state advertising by the office of tourism; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 339—
BY REPRESENTATIVE PITRE
AN ACT

To authorize the Grand Isle Port Commission to use certain state property for seafood research; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 341—
BY REPRESENTATIVES WINSTON, BURNS, DURAND, GRAY, E. GUILLORY, KATZ, McDONALD, AND WADDELL
AN ACT

To enact Chapter 9-A of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:1001 through 1002, relative to foster children; to provide vocational testing and counseling for children in foster care; to provide for the duties of the office of community services; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 357—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.287, relative to creating and providing for the Lake Bistineau Conservation District; to provide for the purpose, boundaries, corporate powers, and governance of the district; to provide for powers and duties of the board of commissioners; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 390—
BY REPRESENTATIVES STRAIN AND DANIEL
AN ACT

To amend and reenact R.S. 38:421(B) through (F) and (I) through (K) and to enact R.S. 38:421(O), relative to the assessments and forced contribution of levee and drainage districts; to exempt certain produce and other commodities from the local assessment or forced contribution; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 402—
BY REPRESENTATIVE ERDEY
AN ACT

To amend and reenact R.S. 22:1136(B)(1), relative to business entities as insurance producers; to provide for notices; to provide for change of status; to provide for branch locations; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 403—
BY REPRESENTATIVES WADDELL AND PINAC
AN ACT

To enact R.S. 37:1448.1, relative to real estate brokers and licensees; to provide for requirements for a non-compete agreement; to provide for enforcement; to provide for an effective date; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 406—
BY REPRESENTATIVE LAMBERT
AN ACT

To amend and reenact R.S. 43:87, relative to distribution of copies of the official journal of the state containing acts of the legislature; to provide for distribution of copies to judges only upon request; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 425—
BY REPRESENTATIVE TRAHAN
AN ACT

To amend and reenact R.S. 28:63(A) and (C) and to enact R.S. 28:53(N), 53.2(G), and 54(E) and 63(O), relative to civil commitments; to provide for limitations of liability for public and private general hospitals and their personnel; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 446—
BY REPRESENTATIVE TRAHAN
AN ACT

To enact R.S. 6:1094(B) and to repeal R.S. 6:1087(B)(10), relative to residential mortgage lending; to provide for licensure; to provide examination requirements; to establish licensure exemptions; to repeal the requirement of commissioner approval for persons engaging in no more than four residential mortgage lending transactions in a calendar year; to eliminate the licensure exemption for persons engaging in no more than four residential mortgage lending transactions in a calendar year; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 462—
BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, BRUCE, CROWE, DOERGE, FRITH, GEYMAN, KLECKLEY, LAFONTA, PINAC, RITCHIE, GARY SMITH, WALSWORTH, WHITE, AND WINSTON AND SENATORS HINES, BAJOIE, HEITMEIER, AND MOUNT
AN ACT

To amend and reenact R.S. 51:3053(5)(a) and to enact R.S. 51:3054(B)(4), relative to the Louisiana Major Project Development Authority; to provide for certain project thresholds; to authorize the creation of an executive committee of the board of directors; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 498—
BY REPRESENTATIVES KLECKLEY, GEYMAN, JOHNS, AND MORRISH AND SENATOR THEUNISSEN
AN ACT

To name a portion of Nelson Road Extension in Calcasieu Parish the L'Auberge Boulevard and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 554—
BY REPRESENTATIVE BAYLOR
AN ACT

To enact R.S. 37:575(B)(10), relative to the Board of Cosmetology; to provide for authority to contract with respect to immovable property; to provide for authority to borrow funds; to provide for authority to retain revenue upon sale of property; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 596—
BY REPRESENTATIVE FANNIN
AN ACT

To enact R.S. 36:509(U) and Part XXXI of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:3087.281 through 3087.295, relative to the Jackson Parish Dugdemona Watershed Reservoir Authority; to create the Jackson Parish Dugdemona Watershed Reservoir Authority as a state agency; to provide for a board of commissioners to manage the reservoir authority; to provide for the powers and duties of the authority including the authority to issue bonds; to prohibit certain actions; to provide for penalties; to provide relative to the authority's relationship with the Department of Transportation and Development and the Louisiana Wildlife and Fisheries Commission; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 618—
BY REPRESENTATIVE FANNIN
AN ACT

To enact 40:1846(H), relative to liquified petroleum gas; to provide for limitations on liability for certain activities related to liquified petroleum gas; to provide for the liability of retailers, suppliers, handlers, transports, and consumers; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 751—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 4:147(2), relative to residency requirements of the state steward appointed by the Louisiana State Racing Commission; to require the steward to be residing in the state upon appointment; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 789—
BY REPRESENTATIVE DANIEL
AN ACT

To enact Chapter 42 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9581, relative to public contracts; to authorize certain political subdivisions to enter into agreements for the construction, maintenance, and operation of public facilities related to sewerage and nonpotable water treatment systems; to provide with respect to the construction and content of such contractual agreements; to provide for the disposition and allocation of revenues and assets; to provide for the pledge of revenues; to provide certain immunities from liability; to provide for limitation of liability; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 9, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 4—
BY REPRESENTATIVES SCHNEIDER AND BRUNEAU
A CONCURRENT RESOLUTION

To request the State Civil Service Commission and Department of State Civil Service to provide for a workforce planning program for state departments and agencies, to provide for review of such reports by the Department of State Civil Service and for reports thereon, and to provide for legislative oversight of such program.

HOUSE CONCURRENT RESOLUTION NO. 21—
BY REPRESENTATIVE WALKER
A CONCURRENT RESOLUTION

To authorize and direct the Louisiana Commission on Employment of Mental Health Consumers to study and develop a plan to address barriers that prevent persons with mental illness from seeking, obtaining, and maintaining employment.

HOUSE CONCURRENT RESOLUTION NO. 53—
BY REPRESENTATIVE SMILEY
A CONCURRENT RESOLUTION

To urge and request the legislative auditor in the auditing of state agencies, as that term is defined in R.S. 39:2, to include in the performance of such audits an examination of the fiscal efficiency of the entity by determining the relationship between fees charged and services rendered and to report entities levying excessive fees to the Legislative Audit Advisory Council and to the appropriate legislative oversight committees.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions
on First Reading**

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE CONCURRENT RESOLUTION NO. 4—
BY REPRESENTATIVES SCHNEIDER AND BRUNEAU
A CONCURRENT RESOLUTION

To request the State Civil Service Commission and Department of State Civil Service to provide for a workforce planning program for state departments and agencies, to provide for review of such reports by the Department of State Civil Service and for reports thereon, and to provide for legislative oversight of such program.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 21—
BY REPRESENTATIVE WALKER
A CONCURRENT RESOLUTION

To authorize and direct the Louisiana Commission on Employment of Mental Health Consumers to study and develop a plan to address barriers that prevent persons with mental illness from seeking, obtaining, and maintaining employment.

The resolution was read by title; lies over under the rules.

HOUSE CONCURRENT RESOLUTION NO. 53—

BY REPRESENTATIVE SMILEY

A CONCURRENT RESOLUTION

To urge and request the legislative auditor in the auditing of state agencies, as that term is defined in R.S. 39:2, to include in the performance of such audits an examination of the fiscal efficiency of the entity by determining the relationship between fees charged and services rendered and to report entities levying excessive fees to the Legislative Audit Advisory Council and to the appropriate legislative oversight committees.

The resolution was read by title; lies over under the rules.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 460—

BY REPRESENTATIVES ALARIO, SALTER, DORSEY, HAMMETT, ALEXANDER, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CRANE, CRAVINS, CURTIS, DAMICO, DANIEL, DARTEZ, DOERGE, DOVE, DOWNS, DURAND, FANNIN, FARRAR, FAUCHEUX, FRITH, GALLOT, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEATON, HILL, HONEY, HOPKINS, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KENNARD, LAFLEUR, LAFONTA, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, MORRELL, ODINET, PIERRE, PINAC, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WALKER, WALSWORTH, WHITE, WOOTON, AND WRIGHT AND SENATORS HEITMEIER, HINES, BAJOIE, AND MOUNT

AN ACT

To enact Part VI-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2365, relative to state funds; to establish the Rapid Response Fund as a special treasury fund; to provide for the dedication, deposit, use, and investment of monies in the fund; to require reporting; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 490—

BY REPRESENTATIVES WADDELL, PINAC, JOHNS, AND THOMPSON

AN ACT

To amend and reenact R.S. 37:2156(C)(3), relative to the State Licensing Board for Contractors; to provide for donations to public university or community college foundations by contractors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

HOUSE BILL NO. 821(Substitute for House Bill No. 129 by Representative Montgomery)—

BY REPRESENTATIVES MONTGOMERY, GALLOT, M. GUILLORY, ST. GERMAIN, WALSWORTH, AND DARTEZ AND SENATOR N. GAUTREAUX

AN ACT

To amend and reenact R.S. 13:1899(C), relative to the assessment of costs in criminal cases in city courts; to provide for a more uniform and in some instances an increase in court costs in criminal matters to fund the offices of marshals and constables of the courts; to provide for an exception, and to provide for related matters.

On motion of Senator Bajoie, the bill, which was designated a duplicate of Senate Bill No. 129, was read by title and referred to the Committee on Finance.

Motion to Recommit

Senator Heitmeier asked for and obtained a suspension of the rules and recommitted House Bill No. 432 from the Committee on Senate and Governmental Affairs to the Committee on Finance.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator Nevers, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

May 5, 2005

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE BILL NO. 118—

BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 29:406(A) and (C) and 410(A)(introductory paragraph) and (A)(3), (E)(1)(introductory paragraph), (E)(1)(c) and (d), (E)(2)(a), (E)(3), and (F)(1)(introductory paragraph) and to enact R.S. 29:410(E)(4), relative to the Military Service Relief Act; to provide with respect to certain rights for employees who are in the uniformed services and called to active duty and who wish to return to positions of employment held prior to active duty service; to provide with respect to notification and accrual and entitlement to vacation leave; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
BEN NEVERS
Chairman

REPORT OF COMMITTEE ON

**TRANSPORTATION, HIGHWAYS AND PUBLIC
WORKS**

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways and Public Works, submitted the following report:

May 5, 2005

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways and Public Works to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 11—

BY SENATOR HEITMEIER

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development to install traffic controls or reduce the speed limit on Louisiana Highway 406 (Woodland Highway) in Belle Chasse, Louisiana.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 12—
BY SENATOR MOUNT

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to provide the necessary funding to restore Calcasieu Ship Channel in southwest Louisiana to its authorized dimensions in order that the economic, safety, and security concerns may be adequately addressed.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 16—
BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Transportation and Development and the Louisiana Department of Culture, Recreation and Tourism, in cooperation with the National D-Day Museum, to erect a memorial marker at the visitor center on Interstate 10 in Slidell honoring Dr. Stephen Ambrose.

Reported with amendments.

SENATE BILL NO. 6—
BY SENATOR ADLEY

AN ACT

To amend and reenact R.S. 38:291(B)(2), relative to the Bossier Levee District; to provide for an increase in the membership of the district; to provide for the appointing authority; to provide for the term of the additional member; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 8—

BY SENATOR THEUNISSEN AND REPRESENTATIVES MORRISH, JOHNS, GEYMAN AND E. GUILLORY

AN ACT

To amend and reenact R.S. 34:204.1(B) and (D)(12), relative to the Lake Charles Harbor and Terminal District; to provide relative to the qualifications and authority of the port director; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 70—

BY SENATORS KOSTELKA AND ELLINGTON

AN ACT

To amend and reenact R.S. 32:387.17(A)(5), relative to special permits; to extend authorization for issuance of special permits for trucks hauling containerized cargo in international trade intended for exportation within a fifty-mile radius of the Port of Ouachita; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 101—
BY SENATOR BOASSO

AN ACT

To amend and reenact R.S. 34:1702 and to enact R.S. 34:1703(F) and 1703.1, relative to deep water ports; to provide for the board of commissioners of the St. Bernard Port, Harbor and Terminal District; to increase membership; to provide relative to the appointment and terms of commissioners; to provide relative to the qualifications and responsibilities of a port director; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 102—

BY SENATOR ELLINGTON AND REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 49:191(3) and to repeal R.S. 191(1)(e), relative to the Department of Transportation and Development; to provide for the re-creation of the Department of Transportation and Development and the statutory entities made a part of the department by law; to provide for the effective termination date

for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 143—

BY SENATORS CAIN AND ADLEY

AN ACT

To designate a portion of Louisiana Highway 12 located in the city of DeQuincy as the "Buddy Henagan Memorial Parkway."

Reported with amendments.

SENATE BILL NO. 167—

BY SENATOR AMEDEE AND REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 38:326.1(E), relative to the Lafourche Basin Levee District; to authorize the district to contract for certain law enforcement services with sheriffs' offices within the boundaries of the levee district; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 268—

BY SENATORS SMITH AND ELLINGTON

AN ACT

To amend and reenact R.S. 48:274.1(A)(2)(a), relative to outdoor logo signing program on interstate highways; to provide relative to contracts with third parties; to provide for payment to the Department of Transportation and Development for use of rights-of-way; to provide for selection of the third party or parties to be a competitive process in accordance with the procurement code; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 278—

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 38:3087.191, the introductory paragraph of R.S. 38:3087.192(B), 3087.192(C), 3087.193(B), 3087.194(B), 3087.196, 3087.197(A)(2) and (8), 3087.198(A)(6), 3087.199(A)(1), (B)(1) and (2), (C)(1), (D)(1), 3087.204, and 3087.205(A) and (B), relative to the Washington Parish Reservoir District; to provide for the creation, maintenance, and operation of a single reservoir in the district; to provide for reimbursement of the amount actually paid for property returned to a prior landowner; to limit the authority of the district to expropriate property; to provide for payment to owners whose property is subject to expropriation; to provide for terms for members of the board of commissioners of the district; to authorize agreements with landowners regarding building restrictions on non-submerged property; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

**REPORT OF COMMITTEE ON
NATURAL RESOURCES**

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

May 5, 2005

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

SENATE BILL NO. 182—
BY SENATOR DUPRE

AN ACT

To enact Subpart A-3 of Part II of Chapter 2 of Subtitle 1 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:150, relative to mineral leases; to provide relative to mineral leases on state lands; to provide certain drilling incentives; to provide relative to royalties; to create the Louisiana Royalty Relief Dry Hole Credit Program; to provide certain terms, conditions, procedures, and requirements; and to provide for related matters.

Reported with amendments

SENATE BILL NO. 187—
BY SENATOR DUPRE

A JOINT RESOLUTION

Proposing to add Article VII, Section 10.2(E) of the Constitution of Louisiana, relative to the Wetlands Conservation and Restoration Fund; to provide relative to certain federal revenues received by the state generated from Outer Continental Shelf oil and gas activity; to provide for the depositing and crediting of such monies into the Wetlands Conservation and Restoration Fund, and for the uses of such federal revenues; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Reported with amendments

SENATE BILL NO. 195—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 49:213.7(A)(2)(introductory paragraph), (C) and (D), and to enact R.S. 49:213.7(B)(3) and (E)(7), relative to the Wetlands Conservation and Restoration Fund; to provide relative to certain federal revenues to be credited and deposited to the fund; to provide relative to fund uses; and to provide for related matters.

Reported with amendments

SENATE BILL NO. 210—
BY SENATOR HEITMEIER

AN ACT

To amend and reenact Sections 1 and 2 of Act No. 233 of the 1984 Regular Session of the Legislature, as amended by Act No. 847 of the 1992 Regular Session of the Legislature, Act No. 1364 of the 1997 Regular Session of the Legislature, and Act No. 1378 of the 1999 Regular Session of the Legislature, relative to the Bohemia Spillway; to provide a procedure for persons claiming an ownership interest in property or minerals located in the Bohemia Spillway; to provide for certification of property and mineral ownership interest and for the return of such property and mineral interest to the certified owner or his successor by the Board of Levee Commissioners of the Orleans Levee District; to provide for payment by the board to the certified owner or his successor for mineral revenues received by the board from such property after June 29, 1984; to provide an exemption to the board of commissioners from certain judgements rendered involving title to properties and claims involving mineral revenues derived from land located in the spillway; and to provide for related matters.

Reported with amendments

SENATE BILL NO. 280—
BY SENATOR N. GAUTREAUX

AN ACT

To enact R. S. 30:127.2, relative to oil and natural gas royalty payments; to provide certain royalty incentives; to provide certain terms, conditions, requirements and effects; and to provide for related matters.

Reported with amendments

MAX T. MALONE
Chairman
NICK GAUTREAUX
Vice-Chairman

REPORT OF COMMITTEE ON**LOCAL AND MUNICIPAL AFFAIRS**

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

May 5, 2005

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE BILL NO. 15—
BY SENATOR ADLEY

AN ACT

To enact R.S. 25:151(E), relative to the disposition of books by public libraries; to authorize the Webster Parish Library, through its governing board, to sell books directly to the public and retain the proceeds; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 46—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 38:2219(A)(3), relative to public contracts; to provide relative to contracts with the New Orleans Sewerage and Water Board for the purchase of goods and services; to increase that amount which is not subject to performance or surety bond requirements; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 56—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4121(E), relative to the Sewerage and Water Board of New Orleans; to provide for a technical change in the board's bonding authority; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 80—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4084(A)(1)(a), relative to the Sewerage and Water Board of New Orleans; to change the threshold contract amount of materials and supplies contracts with the board that must be advertised for public bid; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 81—
BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 33:4079, relative to the Sewerage and Water Board of New Orleans; to provide for the conformity to plans for drainage system and related facilities; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,

SENATE BILL NO. 97—
BY SENATOR CRAVINS

AN ACT

To enact R.S. 33:221.4, relative to St. Landry Parish; to provide for municipal annexation; to provide with regard to special service districts and contracts, taxes, and services related thereto; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 235—

BY SENATOR ULLO AND REPRESENTATIVES TOOMY AND WOOTON
AN ACT

To enact R.S. 34:851.27(B)(9), relative to regulation of vessels and motorboats; to authorize the regulation of air boats by the governing authority of Jefferson Parish and its municipalities; to provide for terms and conditions; to provide for the enforcement of such regulation, and to provide for related matters.

Reported favorably.

SENATE BILL NO. 289—

BY SENATOR MURRAY

AN ACT

To enact R.S. 33:4079.1, relative to the Sewerage and Water Board of New Orleans; to provide for the authorization to lease conduit to house fiber optic cable by the Sewerage and Water Board of New Orleans; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 313—

BY SENATOR MARIONNEAUX AND REPRESENTATIVE MCVEA
AN ACT

To enact R.S. 33:2740.62, relative to special districts; to create the East Feliciana Parish Economic Development District; to provide for the purpose and governance of the district; to provide for its rights and powers, including the authority for tax financing by the district; to provide for an effective date; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 325—

BY SENATOR JONES

AN ACT

To enact R.S. 33:9038.28, relative to special districts; to create the city of Monroe Riverfront Development District within the Monroe Downtown Development District; to provide relative to the purpose, governance, duties, and authority of the district; to provide for its rights and powers, including the authority for tax increment financing by the district, subject to the approval of district voters; to provide for an effective date; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 327—

BY SENATOR JONES

AN ACT

To enact R.S. 46:1053(C)(2)(e), relative to hospital service districts; to authorize an increase in per diem for the members of the board of commissioners of the Madison Parish Hospital Service District; to increase the number of meeting days payable by a per diem; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CLEO FIELDS
Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

May 5, 2005

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

SENATE BILL NO. 119—

BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 17:1517(A) and (B) and the introductory paragraph of (D) and to enact R.S.17:1516(C), relative to the Louisiana State University and Agricultural and Mechanical College Medical School at Shreveport, to provide for the components and organization of this facility; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 144—

BY SENATOR NEVERS

AN ACT

To amend and reenact R.S. 17:427.3(A), (B), (C), (H) and (I)(1), relative to the Teach Louisiana First Program; to provide relative to reducing the shortage of certified teachers in low-performing schools and districts; to provide relative to program purposes, incentive payments, eligibility and selection criteria, reports, and administration; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 307—

BY SENATOR MURRAY

AN ACT

To amend and reenact R.S. 39:1351(A) and (B), 1352, 1353, and 1354, and to enact R.S. 17:10.1(C), relative to fiscal administrators for political subdivisions; to provide relative to the authority to seek the judicial appointment of a fiscal administrator for political subdivisions; to provide for the authority of the State Board of Elementary and Secondary Education to define certain circumstances applicable to city, parish, and other local public school systems; to provide relative to the appointment of a fiscal administrator; to provide relative to the duties, authority, and termination of the authority of such fiscal administrator; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
CHRIS ULLO
Chairman

**Senate Resolutions
to be Adopted, Subject to Call**

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 21 be called from the Calendar at this time.

SENATE RESOLUTION NO. 21—

BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Marine Corps Sergeant Jeffrey L. Kirk.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

Called from the Calendar

Senator Marionneaux asked that Senate Resolution No. 22 be called from the Calendar at this time.

SENATE RESOLUTION NO. 22—
BY SENATOR MARIONNEAUX

A RESOLUTION

To express the sincere and heartfelt condolences of the Louisiana Senate upon the death of Specialist Charles "C.C." Persing of the United States Army's 10th Mountain Division (Light Infantry) based in Fort Drum, New York, on July 20, 2004.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

**Senate Concurrent Resolutions on
Third Reading
and Final Passage**

The following Senate Concurrent Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 7—
BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To amend the rule adopted as policy by the Facility Planning and Control Division of the Office Facilities Corporation regarding procedure for access by visitors and/or non-tenants to a state office building, and to direct such division to reissue its policy.

The resolution was read by title. Senator Fields moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Amedee	Dupre	Marionneaux
Bajoie	Ellington	McPherson
Barham	Fields	Michot
Boasso	Fontenot	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Jackson	Romero
Cheek	Jones	Schedler
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 33		

NAYS

Total - 0

ABSENT

Adley	Hollis
Gautreaux B	Smith
Total - 4	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 14—
BY SENATOR JONES

A CONCURRENT RESOLUTION

To urge and request the state of Louisiana to assume full ownership and possession of the real property and all of the improvements located on the property formerly known as Swanson Correctional Center for Youth-Madison Parish Unit facility at Tallulah.

The resolution was read by title. Senator Jones moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Murray
Barham	Gautreaux B	Nevers
Broome	Gautreaux N	Romero
Cain	Heitmeier	Schedler
Chaisson	Jackson	Smith
Cheek	Jones	Theunissen
Cravins	Lentini	Ullo
Duplessis	Malone	
Total - 32		

NAYS

Dardenne
Total - 1

ABSENT

Boasso	Kostelka
Hollis	Mount
Total - 4	

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

SENATE BILL NO. 7—
BY SENATOR BOASSO

AN ACT

To amend and reenact R.S. 11:62(5)(e) and (11)(c), 403(5), 429, 441(A), 444(A)(1)(a) and (C)(10)(a), 447(A), 537(A), 701(5)(a) and (b), 710(C), 761(A), 768(B)(2), 781(A)(2), and 786(A), to enact R.S. 11:181.1 and to repeal R.S. 11:231(A)(1), 511 and 822, relative to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana; to provide relative to the Retirement Preservation Act; to provide for legislative intent; to determine and set required employee contributions; to define average compensation; to provide for retirement eligibility; to provide for computation of retirement benefits; to provide for limitations on compensation increases for purposes of determining average compensation; to provide relative to interest paid on refunds of contributions; to require notice of reemployment of certain retirees; to prohibit participation in the Deferred Retirement Option Plan by certain persons; to provide with respect to the administration and responsibility for the proper operation of the retirement systems; to create one board of trustees; to provide for an effective date; and to provide for related matters.

Motion

On motion of Senator Boasso, Senate Bill No. 7 was made Special Order of the Day No. 2 on Tuesday, May 10, 2005, immediately following the Morning Hour.

Motion to Make Special Order

Senator Boasso asked for and obtained a suspension of the rules for the purpose of making Senate Bill No. 305, which is on Third Reading and Final Passage, Special Order of the Day No. 3 on Tuesday, May 10, 2005, immediately following the Morning Hour.

SENATE BILL NO. 24—

BY SENATORS CAIN, CHEEK, DUPRE, HOLLIS, KOSTELKA, MCPHERSON, MICHOT, MOUNT AND SCHEDLER AND REPRESENTATIVES BADON, BALDONE, BAUDON, BRUCE, CRAVINS, DARTEZ, DOWNS, FRITH, GEYMAN, HILL, HUTTER, KATZ, KENNEY, MCDONALD, MONTGOMERY, T. POWELL, JACK SMITH, WALKER, WALSWORTH AND WRIGHT

AN ACT

To amend and reenact R.S. 3:1355(A) and to enact R.S. 3:1355(B), R.S. 14:67.19.1 and R.S. 40:962.1.2, relative to certain controlled dangerous substances; to prohibit the unauthorized possession of anhydrous ammonia for use in the sale of certain controlled dangerous substances; to restrict the sale of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers and salts of optical isomers used in the manufacture of methamphetamines; to require that pharmacies maintain records on purchases of certain restricted substances used to manufacture methamphetamine; to provide exceptions for substances formulated so as to prevent conversion of certain active ingredients; and to provide for related matters.

The bill was read by title. Senator Cain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 44—

BY SENATORS LENTINI, MCPHERSON AND NEVERS
AN ACT

To enact R.S. 39:362.1, relative to state owned motor vehicles and aircraft; to require the approval of the Joint Legislative Committee on the Budget for the purchase of certain vehicles for use by any statewide elected official; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini to Engrossed Senate Bill No. 44 by Senator Lentini

AMENDMENT NO. 1

On page 1, line 4, delete "any" and insert "a"

AMENDMENT NO. 2

On page 1, line 8, delete "any" and insert "a"

AMENDMENT NO. 3

On page 1, line 12, delete "any statewide elected official," and insert "a statewide elected official other than the governor and lieutenant governor,"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Lentini moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Marionneaux
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Murray
Boasso	Gautreaux N	Nevers
Broome	Heitmeier	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Cravins	Lentini	Ullo
Dardenne	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Gautreaux B
Total - 2

The Chair declared the amended bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator B. Gautreaux asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 44. He had intended to vote yea on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 51—

BY SENATORS CHEEK AND BAJOIE
AN ACT

To amend and reenact R.S. 33:1981(C)(1) and 2201(C)(1), and the name of Subpart A-1 of Subpart A of Part II and the name of Subpart A-1 of Subpart A of Part III of Chapter 4 of Title 33 of the Louisiana Revised Statutes of 1950, relative to certain payments made to survivors of certain first responders; to increase the amount of payments provided as financial security to the surviving spouse or parents of firemen and law enforcement officers in certain cases; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 51 by Senator Cheek

AMENDMENT NO.1

On page 1, line 2, following "2201(C)(1)" delete the remainder of the line and delete lines 3 and 4 and insert in lieu thereof ",relative to certain payments"

AMENDMENT NO. 2

On page 1, line 9, following "2201(C)(1)" delete the remainder of the line and delete lines 10 and 11 and insert in lieu thereof "are hereby amended and reenacted to"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Cheek moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	McPherson
Adley	Dupre	Michot
Amedee	Ellington	Mount
Bajoie	Fields	Murray
Barham	Gautreaux N	Nevers
Boasso	Heitmeier	Romero
Broome	Jackson	Schedler
Cain	Jones	Smith
Chaisson	Kostelka	Theunissen
Cheek	Lentini	Ullo
Cravins	Malone	
Dardenne	Marionneaux	
Total - 34		

NAYS

Total - 0

ABSENT

Fontenot	Gautreaux B	Hollis
Total - 3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator B. Gautreaux asked for and obtained the floor of the Senate on a point of personal privilege, and stated he appeared as absent on the vote on Senate Bill No. 51. He had intended to vote yea on the bill. He asked that the Official Journal so state.

SENATE BILL NO. 135— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 11:471(A) and to enact R.S. 11:441(G), relative to Louisiana State Employees' Retirement System; to provide with respect to survivors benefits; to provide with respect to eligibility for retirement for new members; to require new members to have ten years of service at age sixty to be eligible for retirement; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 139— BY SENATOR JONES

AN ACT

To enact R.S. 40:2405.5, relative to Peace Officer Standards and Training; to provide a training course for law enforcement interaction with mentally ill and developmentally disabled persons; to provide for course requirements; to provide for implementation and reporting requirements; and to provide for related matters.

The bill was read by title. Senator Jones moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Jones moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 156— BY SENATORS CHAISSON AND NEVERS AN ACT

To enact R.S. 14:67.4, relative to crimes; to make theft of encoded credit card information a crime; to criminalize the use of a scanning device or re-encoder to capture encoded information

from a magnetic strip; to provide for definitions; to provide for penalties; and to provide for related matters.

Floor Amendments Sent Up

Senator Chaisson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Engrossed Senate Bill No. 156 by Senator Chaisson

AMENDMENT NO. 1

On page 3, at the beginning of line 2, add "not more than"

AMENDMENT NO. 2

On page 3, line 6, between "fined" and "ten" insert "not more than"

On motion of Senator Chaisson, the amendments were adopted.

The bill was read by title. Senator Chaisson moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 161— BY SENATOR AMEDEE

AN ACT

To amend and reenact Children's Code Arts. 615(B)(1) and (2), 619(B) and (C), 620(C), 622(A)(introductory paragraph) and (1), (2), and (4), 624(A), 627(B), and R.S. 14:92.2(B), and to enact Children's Code Arts. 603(18) and (19), 624(G) and (H), and R.S. 14:92.2(A)(3), relative to children in need of care; to provide relative to definitions for the removal of a child in need of care; to provide with respect to instant removal of a child in need of care; to provide for provisional custody of a child in need of care; to provide for a court ordered safety plan to insure the protection of a child; to provide for penalties for improper supervision of a minor child; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 161 by Senator Amedee

AMENDMENT NO. 1

On page 6, line 9, following "of" and before "A(3)" change "Section" to "Paragraph"

AMENDMENT NO. 2

On page 6, line 9, following "this" and before "shall" change "Subsection" to "Section"

AMENDMENT NO. 3

On page 6, line 11, following "of" and before "A(3)" change "Section" to "Paragraph"

On motion of Senator Lentini, the amendments were adopted.

On motion of Senator Amedee, the amended bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 166— BY SENATOR AMEDEE

AN ACT

To amend and reenact R.S. 14:122.2(A) and (B) and to enact R.S. 14:122.2(D), relative to threatening a public official; to include electronic communications threatening a public official; to provide for increased penalties; and to provide for related matters.

The bill was read by title. Senator Amedee moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Amedee	Dupre	Nevers
Bajoie	Fontenot	Schedler
Broome	Heitmeier	Theunissen
Chaisson	Kostelka	Ullo
Cheek	Lentini	
Total - 17		

NAYS

Adley	Ellington	McPherson
Barham	Fields	Michot
Boasso	Gautreaux N	Mount
Cain	Jackson	Murray
Cravins	Jones	Romero
Dardenne	Marionneaux	Smith
Total - 18		

ABSENT

Gautreaux B
Total - 2

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator Amedee, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

May 9, 2005

SENATE BILL NO. 201—

BY SENATORS BROOME AND JACKSON
AN ACT

To enact R.S. 40:600.6(A)(4)(b)(x) and Chapter 3-C of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:600.27 and 600.28, relative to the Louisiana Housing Finance Agency; to create the Louisiana Habitat for Humanity Loan Purchase Program; to provide for the purposes, funding, and procedures of the loan purchase program; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Broome moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Broome moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 203—

BY SENATORS DUPRE AND SCHEDLER
AN ACT

To enact R.S. 14:62.5(C), relative to looting; to provide penalties when looting occurs during a declaration of state of emergency; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 203 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 9, following "**governor**" and before "**or**" delete "1"

AMENDMENT NO. 2

On page 1, line 10, following "**parish**" and before "**when**" insert "1"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Dupre moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 226—

BY SENATOR N. GAUTREAUX

AN ACT

To amend and reenact the introductory paragraph of R.S. 15:574.4(A)(2)(a), and R.S. 40:967(B)(1), (4) and (5) and 981.2(C), relative to certain controlled dangerous substances; to increase the penalty for the manufacture, possession or distribution of oxycodone; to authorize offenders to participate in the intensive incarceration program; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Barham	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total - 35		

NAYS

Total - 0

ABSENT

Broome
Total - 2

The Chair declared the bill was passed. The title was read and adopted. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 232—

BY SENATOR MURRAY

AN ACT

To enact R.S. 26:85.2, relative to alcohol beverage control; to establish and authorize the issuance of a museum permit to authorize the limited sale of certain commemorative bottles of alcohol and to authorize the limited service of product samples in a historically-based museum facility that is operated in a historic preservation district; and to provide for related matters.

The bill was read by title. Senator Murray moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Chaisson	Heitmeier	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Lentini	
Total - 32		

NAYS

Cain	Nevers	Smith
Total - 3		

ABSENT

Broome	Hollis
Total - 2	

The Chair declared the bill was passed. The title was read and adopted. Senator Murray moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 243—

BY SENATOR MOUNT

AN ACT

To amend and reenact Children's Code Art. 603(14), relative to a child in need of care; to provide with respect to the definition of neglect; and to provide for related matters.

The bill was read by title. Senator Mount moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith

Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 247—

BY SENATOR MOUNT

AN ACT

To enact Civil Code Art. 2807.5 and R.S.12:1310.5, relative to partnerships and limited liability companies; to provide for the retroactive effect of a partnership's or a limited liability company's existence when immovable property is acquired by such entities which have not been duly constituted; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 247 by Senator Mount

AMENDMENT NO.1

On page 1, line 2, following "relative" and before "partnerships" insert "to"

On motion of Senator Lentini, the amendments were adopted.

Floor Amendments Sent Up

Senator Mount sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Mount to Engrossed Senate Bill No. 247 by Senator Mount

AMENDMENT NO.1

On page 2, line 17, change "corporation" to "company"

On motion of Senator Mount, the amendments were adopted.

The bill was read by title. Senator Mount moved the final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	Marionneaux
Amedee	Ellington	McPherson
Bajoie	Fields	Michot
Barham	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith

Cravins
Dardenne
Total - 36

Kostelka
Lentini

Theunissen
Ullo

NAYS

Total - 0

ABSENT

Hollis
Total - 1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Mount moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 258—

BY SENATOR KOSTELKA AND REPRESENTATIVE JOHNS AND
SENATORS BAJOE AND MOUNT AND REPRESENTATIVES ALARIO,
DORSEY, HAMMETT AND SALTER

AN ACT

To amend and reenact R.S. 13:5106(B)(1) and (2), relative to the Louisiana Governmental Claims Act; to provide relative to limitations of liability for the state and political subdivisions; to provide for liability for damages for personal injury and wrongful death; to provide for legislative intent; and to provide for related matters.

Motion

On motion of Senator Kostelka, Senate Bill No. 258 was made Special Order of the Day No. 1 on Wednesday, May 11, 2005, immediately following the Morning Hour.

SENATE BILL NO. 282—

BY SENATOR JONES

AN ACT

To amend and reenact R.S. 42:1414 and to enact R.S. 15:308, relative to penalties for conviction of certain offenses; to provide for the removal of a state, district, parish, ward, or municipal employee; to provide for the discretion of the state, district, parish, ward, or municipality to maintain or terminate an employee convicted of a nonviolent felony; to provide for retroactive application of certain penalty provisions as applied to defendants who were convicted or who were sentenced prior to June 15, 2001; to provide for period within which to file a motion for amendment, modification, or reconsideration of sentence; to provide for amendment of sentences in accordance with more lenient penalty provisions; and to provide for related matters.

On motion of Senator Jones, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 309—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 30:2418(I)(2) and (N), relative to waste tires; to provide for the disbursement of funds from the waste tire fund; and to provide for related matters.

On motion of Senator Marionneaux, the bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 317—

BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 15:574.4(H)(4)(o), relative to fees paid by parolees for parole supervision costs; to provide for reduction of the supervision fee amount; to provide terms and conditions; and to provide for related matters.

Floor Amendments Sent Up

Senator Lentini sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 317 by Senator Duplessis

AMENDMENT NO. 1

On page 2, line 8, before "**twelve**" change "**reduction of the waived fee shall cease after**" to "**waiver of the fee shall cease**"

AMENDMENT NO. 2

On page 2, line 9, following "**or**" and before "**the**" insert "**when**"

On motion of Senator Lentini, the amendments were adopted.

On motion of Senator Duplessis, the amended bill was read by title and returned to the Calendar, subject to call.

SENATE BILL NO. 323—

BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 15:146(B)(1), 147(A)(1)(b), (c), (d), (e), (f) and (g), 148(B), 151(B)(1), (2), (3), (5), (6), 151.1(A) and (C), 151.2(C), (E), (F) and (G) and to enact R.S. 15:145.1 and 147(A)(1)(h) and (i) and 151.2(H), relative to indigent defenders; to provide for special reporting requirements; to provide for definitions; to provide for a cost to be assessed in certain cases; authorizes judicial district indigent defender boards to recoup funds; to provide for members of the Indigent Defense Assistance Board; to provide the board with certain duties and powers; to provide for quorum requirements; to provide for staggered terms of the membership; and to provide for related matters.

On motion of Senator Jackson, the bill was read by title and returned to the Calendar, subject to call.

Motion to Make Special Order

Senator Fields asked for a suspension of the rules for the purpose of making Senate Bill No. 53, which is on Third Reading and Final Passage, Special Order of the Day No. 1 on Monday, May 16, 2005, immediately following the Morning Hour.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Resolutions

Senator Bajeie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 69—

BY SENATOR ROMERO

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of Margaret Hannie Haik (Mrs. Theodore Michael Haik Sr.), daughter, wife, mother, grandmother, great-grandmother, sister, child advocate, and civic and community leader.

On motion of Senator Romero, the resolution was read by title and adopted.

Messages from the House

The following Messages from the House were received and read as follows:

May 9, 2005

Message from the House**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

May 9, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 453—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 27:301(B)(12), 308(B)(1) and (C), and 311(H)(1) and (3) and (K)(4) and to enact R.S. 27:3(24), 15(F) and (G), 308(B)(3), 308.1, 308.2, and 311(H)(5), relative to penalties for violations of the Video Draw Poker Devices Control Law; to provide for definitions; to provide for civil penalties; to provide for the adoption of rules; to provide for a penalty schedule; to provide for the authority of the gaming control board regarding suspension and revocation of video draw poker licenses and permits; to provide for a maximum penalty for violations of statutes and rules; to provide for a maximum period of suspension of a video draw poker license or permit; to provide for penalties for failure to submit the annual fee; to define repeated violations and violations; to provide for consent agreements or settlements between licensees or permittees and the state; to clarify which processing fees for new applications and licensing apply to certain licensed establishments; to establish a processing fee for stock or membership sales or transfers of fifty percent or more of a licensed corporation or limited liability company; to provide for legislative intent; and to provide for related matters.

HOUSE BILL NO. 475—

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 56:495.1(A)(2), relative to the inshore shrimp line; to provide updated coordinates for the shrimp trawling line in Breton and Chandeleur Sounds; and to provide for related matters.

HOUSE BILL NO. 494—

BY REPRESENTATIVE ST. GERMAIN

AN ACT

To amend and reenact R.S. 56:320(A)(1), relative to use of certain recreational fishing gear; to clarify areas of the state where wire nets and hoop nets may be used for recreational fishing; and to provide for related matters.

HOUSE BILL NO. 515—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:136.1(D), relative to fees on state mineral leases; to increase the fee levied on mineral leases on state lands which is dedicated to the Conservation Fund; and to provide for related matters.

HOUSE BILL NO. 548—

BY REPRESENTATIVE THOMPSON

AN ACT

To authorize and provide for the transfer of certain property in Richland Parish to the Department of Culture, Recreation and Tourism; and to provide for related matters.

HOUSE BILL NO. 638—

BY REPRESENTATIVE KLECKLEY

AN ACT

To amend and reenact R.S. 22:6(1) and 71.1(C)(1), relative to life insurance; to provide for the classification of life insurance; to provide for domestic stock insurers; to provide for the authority to transact combinations of kinds of insurance; and to provide for related matters.

HOUSE BILL NO. 630—

BY REPRESENTATIVE HEBERT

AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in Iberia Parish.

HOUSE BILL NO. 767—

BY REPRESENTATIVE GLOVER

AN ACT

To enact R.S. 14:103.1(D) and (E), relative to the emanation of excessive sound or noise; to provide for the surrender of license plates upon conviction and court order; to authorize local governing authorities to adopt ordinances to provide for the regulation of the emanation of excessive sound or noise; and to provide for related matters.

HOUSE BILL NO. 768—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 14:327(A), (B), and (C), relative to obstructing a fireman; to provide for the definition of a fireman; to increase penalties for obstructing a fireman; and to provide for related matters.

HOUSE BILL NO. 793—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 47:1705, relative to the millage rates provided to the assessor and the legislative auditor by tax recipient agencies; to provide for notice of hearings regarding increases in the millage rate; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 453—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 27:301(B)(12), 308(B)(1) and (C), and 311(H)(1) and (3) and (K)(4) and to enact R.S. 27:3(24), 15(F) and (G), 308(B)(3), 308.1, 308.2, and 311(H)(5), relative to penalties for violations of the Video Draw Poker Devices Control Law; to provide for definitions; to provide for civil penalties; to provide for the adoption of rules; to provide for a penalty schedule; to provide for the authority of the gaming control board regarding suspension and revocation of video draw poker licenses and permits; to provide for a maximum penalty for violations of statutes and rules; to provide for a maximum period of suspension of a video draw poker license or permit; to provide for penalties for failure to submit the annual fee; to define repeated violations and violations; to provide for consent agreements or settlements between licensees or permittees and the state; to clarify which processing fees for new applications and licensing apply to certain licensed establishments; to establish a processing fee for stock or membership sales or transfers of fifty percent or more of a licensed corporation or limited liability company; to provide for legislative intent; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 475—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 56:495.1(A)(2), relative to the inshore shrimp line; to provide updated coordinates for the shrimp trawling line in Breton and Chandeleur Sounds; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 494—

BY REPRESENTATIVE ST. GERMAIN
AN ACT

To amend and reenact R.S. 56:320(A)(1), relative to use of certain recreational fishing gear; to clarify areas of the state where wire nets and hoop nets may be used for recreational fishing; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 515—

BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 30:136.1(D), relative to fees on state mineral leases; to increase the fee levied on mineral leases on state lands which is dedicated to the Conservation Fund; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 548—

BY REPRESENTATIVE THOMPSON
AN ACT

To authorize and provide for the transfer of certain property in Richland Parish to the Department of Culture, Recreation and Tourism; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 630—

BY REPRESENTATIVE HEBERT
AN ACT

To authorize the secretary of the Department of Wildlife and Fisheries and the commissioner of administration to sell, convey, transfer, assign, and deliver certain state property located in Iberia Parish.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 638—

BY REPRESENTATIVE KLECKLEY
AN ACT

To amend and reenact R.S. 22:6(1) and 71.1(C)(1), relative to life insurance; to provide for the classification of life insurance; to provide for domestic stock insurers; to provide for the authority to transact combinations of kinds of insurance; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 767—

BY REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 14:103.1(D) and (E), relative to the emanation of excessive sound or noise; to provide for the surrender of license plates upon conviction and court order; to authorize local governing authorities to adopt ordinances to provide for the regulation of the emanation of excessive sound or noise; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 768—

BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 14:327(A), (B), and (C), relative to obstructing a fireman; to provide for the definition of a fireman; to increase penalties for obstructing a fireman; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 793—

BY REPRESENTATIVE TOWNSEND
AN ACT

To amend and reenact R.S. 47:1705, relative to the millage rates provided to the assessor and the legislative auditor by tax recipient agencies; to provide for notice of hearings regarding increases in the millage rate; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

May 9, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 86—

BY REPRESENTATIVE DORSEY
A CONCURRENT RESOLUTION

To designate Tuesday, May 17, 2005, as Northside High School Day and to welcome the students of Northside High School of Lafayette to the Louisiana State Capitol.

HOUSE CONCURRENT RESOLUTION NO. 88—

BY REPRESENTATIVES TUCKER AND ARNOLD AND SENATOR HEITMEIER
A CONCURRENT RESOLUTION

To memorialize the Department of Defense to favorably consider the "federal city concept" for expanding the Naval Support Activity military installation on the west bank of the Mississippi River in New Orleans by consolidating the Navy, Marine, and Army flag/general commands in the New Orleans area, moving in the 8th Coast Guard District headquarters, and possibly housing a new regional Homeland Security headquarters at the renovated military installation.

HOUSE CONCURRENT RESOLUTION NO. 89—

BY REPRESENTATIVE PINAC
A CONCURRENT RESOLUTION

To commend Russ Freeland, David Mire, and Anna Brooke Trahan on being named Crowley's Outstanding Young Citizens for 2005.

HOUSE CONCURRENT RESOLUTION NO. 90—

BY REPRESENTATIVE FANNIN AND SENATOR KOSTELKA
A CONCURRENT RESOLUTION

To commend the Quitman High School golf team upon winning the Division VI state championship.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

FINANCE

Senator Heitmeier, Chairman on behalf of the Committee on Finance, submitted the following report:

May 9, 2005

To the President and Members of the Senate:

I am directed by your Committee on Finance to submit the following report:

SENATE BILL NO. 115—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 15:146(B)(1)(a), relative to the indigent defender fund for the Eighteenth Judicial District; to increase criminal costs in the City Court of Port Allen to fund indigent defense; and to provide for related matters.

Reported favorably.

SENATE BILL NO. 212—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact R.S. 13:3049(B)(2)(a), relative to judicial procedure; to provide relative to civil jury trials; to require certain filing fees for such trials; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
FRANCIS C. HEITMEIER
Chairman

REPORT OF COMMITTEE ON

RETIREMENT

Senator B. Gautreaux, Chairman on behalf of the Committee on Retirement, submitted the following report:

May 9, 2005

To the President and Members of the Senate:

I am directed by your Committee on Retirement to submit the following report:

SENATE BILL NO. 99—

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 33:1448(G), relative to St. Landry Parish Sheriff's Office; to provide relative to the payment of certain insurance premiums for sheriffs and deputy sheriffs; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 658—

BY REPRESENTATIVE SCHNEIDER

AN ACT

To amend and reenact R.S. 11:263, 264, 264.4, 264.7(A), 266(B) and (C), 267(B)(2) and (C), and 269, to enact R.S. 11:264.5(C) and Subpart N of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:351 and 352, and to repeal R.S. 11:267(B)(3) and (D), relative to investments of the state and statewide retirement

systems; to provide relative to fiduciary duty, including enforcement of requirements therefor; to require disclosure by investment consultants and money managers; to provide for penalties; to provide for reports; to provide relative to investments in certain sanctioned nations; to provide for definitions; to provide for an effective date; and to provide for related matters.

Reported favorably.

Respectfully submitted,
D.A. "BUTCH" GAUTREAUX
Chairman

REPORT OF COMMITTEE ON

REVENUE AND FISCAL AFFAIRS

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 9, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

SENATE BILL NO. 27—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 47:305.53 and 337.9(D)(27), relative to sickle cell disease organizations; to provide for a state and political subdivision sales tax exemption; and to provide for related matters.

Reported favorably.

Respectfully submitted,
WILLIE MOUNT
Chairman

Leaves of Absence

The following leaves of absence were asked for and granted:

Hollis 1 Day

Adjournment

Senator Bajoie moved that the Senate adjourn until Tuesday, May 10, 2005, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Tuesday, May 10, 2005.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk